



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Ordinance No. 1819 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code by Repealing and Reenacting Chapter 13.12, 'Sewer Service,' in *its* Entirety"

MEETING DATE: February 18, 2009

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1819.

BACKGROUND INFORMATION: Ordinance No. 1819 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code by Repealing and Reenacting Chapter 13.12, 'Sewer Service,' in its Entirety," was introduced at the regular City Council meeting of February 4, 2009.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**
This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

A handwritten signature in blue ink, appearing to read "Randi Johl", written over a horizontal line.

Randi Johl
City Clerk

RJ/jmp
Attachment

APPROVED:

A handwritten signature in blue ink, appearing to read "Blair King", written over a horizontal line.

Blair King, City Manager

ORDINANCE NO. 1819

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE **BY** REPEALING AND REENACTING
CHAPTER 13.12, "SEWER SERVICE," IN ITS ENTIRETY

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Chapter 13.12
SEWER SERVICE"

Article I
General Provisions

- 13.12.010 Purpose and policy.
- 13.12.020 Definitions.

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- 13.12.030 Prohibited discharges.
- 13.12.040 Storm drainage and groundwater.
- 13.12.060 Septic tanks.
- 13.12.065 Trucked/hailed wastes.
- 13.12.070 Radioactive wastes.
- 13.12.080 Garbage grinders.
- 13.12.090 Direct discharge-Use of service sewer.
- 13.12.100 Holding tank waste.
- 13.12.110 Restricted discharges.
- 13.12.115 Grease, oil, and sand interceptors.
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Service Charges and Capacity Fees

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- 13.12.280 Design standards.
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- 13.12.500 Discharge permit-Revocation.
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- 13.12.520 Inspection, sampling, monitoring, and analysis.
- 13.12.530 Accidental discharge prevention.
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- 13.12.570 Cease and desist order.
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- 13.12.590 Appeals.
- 13.12.600 Liability.
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- 13.12.630 Civil penalties.
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- 13.12.650 Public notice of violation.

Article I General Provisions

13.12.010 Purpose and policy.

These wastewater discharge regulations set uniform requirements for discharges of domestic, industrial waste and storm drainage water into the city sewerage system to enable the city to comply with the administrative provisions of the Clean Water Grant Regulations, water quality requirements set by the Regional Water Quality Control Board and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into those systems. To the extent Federal or State requirements and any amendments thereto are more stringent or different than the provisions provided herein (including 40 CFR 403) such provisions shall control.

13.12.020 Definitions.

Unless otherwise defined in this chapter, terms shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. Waste constituents and characteristics shall be measured by the approved methods as defined below. The following words shall have these meaning(s):

1. "Approved methods" means the analytical methods listed in the Federal Register **40** CFR Part 136, unless expressly stated, or as established by federal or state regulatory agencies.
2. "Authorized Representative" means a person duly authorized by corporate resolution or other legally enforceable authorizing document on file with the **POTW** to perform all acts required by this Chapter.
3. "Bedroom(s)" means room(s) of a residential user designed or used primarily for sleeping purposes, as determined by the city, based on criteria such as those rooms having closets.
4. "Biochemical oxygen demand (BOD)" means the amount of dissolved oxygen required to meet the metabolic needs of aerobic microorganisms in water containing organic matter as determined by approved methods and, unless otherwise noted, exerted in a period of five days at twenty degrees Celsius.
5. "By-pass" means an intentional diversion of waste or wastewater from any portion of an industrial user's treatment facility.
6. "Capacity" or "impact fee" means a charge as described in this chapter, levied on construction or on new, expanded, or ongoing activity, which uses publicly-owned treatment works (POTW) capacity and other wastewater facilities associated with growth. The fee is normally paid at the time of issuance of a building permit.

7. "Chemical oxygen demand (COD)" means the oxygen equivalent of that portion in a sample that is susceptible to oxidation by a strong chemical oxidant as determined by approved methods.
8. "Commercial **user**" means any user of the sewerage system except those specifically classified as residential user or industrial user.
9. "Community sewer or collection system" means a sewer owned and operated by the city tributary to the treatment plant. It includes, but is not limited to, sanitary and industrial, pumping stations, siphons, canal crossings, manholes and sewers leading from the property line or easement line to the collection sewer.
10. "Compatible pollutant" means biochemical oxygen demand, suspended solids and fecal coliform bacteria, plus additional pollutants identified in the city's National Pollutant Discharge Elimination System (NPDES) permit.
11. "Contamination" means an impairment of the quality of the receiving waters by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.
12. "Control Authority" means the White Slough Water Pollution Control Facility.
13. "Dissolved solids" means residue upon evaporation of water after filtration as determined by approved methods. **Also** termed "total dissolved solids" or "TDS."
14. "Domestic sewage" means the waterborne wastes derived from the ordinary living processes and of such character as to permit satisfactory disposal, without special treatment, into the domestic system.
15. "Domestic system or sanitary sewer system" means a portion of the sewerage system and treatment facility used primarily for domestic sewage.
16. "Employee" means, for "unit of measure" purposes, the total number of all classifications of employees from all shifts that physically work at the site producing the wastewater discharge. Temporary or part-time employees shall be prorated to their time equivalent to a full time employee.
17. "Federal Act or Federal Regulations" means the Federal Water Pollution Control Act, PL 92-500, and any amendments thereto: as well as any guidelines, limitations and standards promulgated by the Environmental Protection Agency pursuant to the Act including the Federal Register, 40 CFR Subchapter IV for pretreatment regulations and the Federal Clean Water Act.
18. "Fixed total dissolved solids" means residue upon evaporation of water and heating to five hundred and fifty degrees centigrade after filtration as determined by approved methods.
19. "Gpd or g p d means gallons per day.
20. "High strength **user**" means a user with discharge volume in excess of 2.0 MGY or a daily average waste strength in excess of the limitations in Section 13.12.110 or in excess of either three hundred milligrams per liter BOD or three hundred milligrams per liter SS or nine hundred milligrams per liter COD or as determined by the public works director.

21. "Holding tank waste" means any domestic waste from holding tanks, contained in vessels, chemical toilets, campers, trailers, septic tanks, vacuum tank trucks, or other stationary or mobile sources.

22. "Industrial system" means the portion of the sewerage system used primarily for industrial waste, which is compatible for discharging directly into the ponding and irrigation system at the treatment plant. Waste not suitable for direct application to land is prohibited in the industrial system, which includes, but is not limited to, contents of chemical toilets, septic tanks, waste holding tanks, waste sumps, and domestic sewage.

23. "Industrial user" means a user subject to regulation by Clean Water Act Section 307(b), (c) or (d) or 40 CFR 403.3(i) and (j) who discharges industrial waste into the sewerage system.

24. "Industrial waste" means the waterborne waste and wastewater from any production, manufacturing or processing operation of whatever nature, including institutional and commercial operations, where water is used for the removal of significant quantities of waste other than from human habitation of premises connected to the domestic or industrial sewers. Contents of chemical toilets, septic tanks, waste holding tanks and waste sumps shall not be classed as industrial waste.

25. "Interference" means the inhibition or disruption of the sewer system, treatment processes or operations of the treatment plant which contributes to the violation of its discharge requirements including inhibition or disruption of sludge disposal practices or compliance with any of the statutory authorities listed in the Federal Register 40 CFR Part 403.3(k).

26. "mgd or "MGD is the abbreviation for million gallons per day.

27. "MGY" is the abbreviation for million gallons per year.

28. "Mass emission rate" means the weight of material discharged into the sewerage system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

29. "Moderate strength user" means users with a wastewater strength of less than three hundred milligrams per liter of BOD and SS and having a waste flow less than 2.0 MGY.

30. "National pretreatment standard, pretreatment standard or standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Clean Water Act Section 307(b) and (c) which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

31. "Natural outlet" means any outlet into a watercourse, ditch, pond, lake or other body of surface water or groundwater.

32. "New source" means an industrial user discharging, or planning to discharge, from a source at which:

- A) Construction is carried out at a site at which no other source is located;
- B) Construction totally replaces the process, or production equipment that produces, the wastewater at an existing source; or

- C) The wastewater producing process constructed is substantially independent of an existing source at the same site.

33. "Nuisance" means anything which is injurious to health, or is offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property, or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

34. "Pass through" means the introduction of a pollutant by a user into the sewerage system which leaves the treatment plant in quantities or concentrations that alone or in conjunction with other sources, cause a violation of the city's discharge requirements.

35. "Permit" means wastewater discharge permit issued by the public works department.

36. "Person" means any individual, partnership, firm, association, corporation or public agency, including the state of California and the United States of America.

37. "pH" means the negative logarithm of the hydrogen-ion activity in moles per liter of solution as determined by approved methods.

38. "Pollutant" means any substance which can cause pollution.

39. "Pollution" means an alteration of the quality of the receiving waters by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include, but not be limited to, contamination.

40. "Pretreatment" means the treatment or flow limitation of industrial wastes prior to discharge to the city sewerage system.

41. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user (40 CFR 403.3(t)).

42. "Private sewer, building sewer or house service sewer" means that part of the building sewer beginning at the junction, thereof, with the building plumbing or drainage system and terminating at the property line or at the easement line.

43. "Publicly owned treatment works (POTW)" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. This includes sewers, pipes and other conveyances if they convey wastewater to a POTW treatment plant.

44. "Residential user" means a single-family house or each unit of a duplex, flat, group dwelling, apartment or any other living accommodation which has facilities for sleeping and the preparation of food, whether sanitary facilities connected to the collection system are provided for the occupants, thereof, whether or not such sanitary facilities are installed therein or connected thereto; living accommodations designed or used for short-term transient lodging which are rented to other than the controlling occupant of the premises shall be considered as a commercial unit.

45. "Settleable solids" means that portion of matter present in sewage, industrial waste or waters introduced into the storm drains that readily settles out of the carrier liquid in a quiescent state as determined by approved methods.
46. "Sewage" means the waterborne wastes received from human habitation and use of premises for residential, commercial, institutional and industrial purposes.
47. "Sewage service charge" means a regular charge for each user based upon each user's proportional use of the sewerage system.
48. "Sewage service unit" or "SSU" is defined as each increment of flow equal to the flow from an average two-bedroom residence (one-hundred and ninety-four gallons per day) and having a strength less than three hundred milligrams per liter biochemical oxygen demand (BOD) and suspended solids (SS).
49. "Sewer" means a pipe or conduit which carries sewage **and/or** industrial wastes and to which storm, surface and ground waters are not intentionally admitted. When used in this chapter, "sanitary sewer" means those pipelines operated primarily for the collection of domestic sewage. "Industrial sewer" means those pipelines operated primarily for the collection of industrial waste.
50. "Sewerage system" means all works for collecting, pumping, treating, disposing, storing or reclaiming sewage, industrial waste **and/or** storm water.
51. "Significant industrial user" means:
- (A) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and
 - (B) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler **blowdown** wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the **POTW** Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the **POTW's** operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR **403.8(f)(6)**). (40 CFR 403.3(v)(1))
52. "Significant noncompliance" means a violation meets one or more of the following criteria:
- (A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
 - (B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

- (C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1)(vi)(B) of 40 CFR 403.8 to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the City determines will adversely affect the operation of implementation of the local Pretreatment program.

53. "Slug" means a sudden large increase or decrease (factor of two or more) from normal waste volume or concentration.

54. "Slug discharge" means any discharge of a nonroutine, episodic nature including but not limited to, an accidental spill or a noncustomary batch discharge.

55. "Storm drain system" means any portion of the sewerage system used for the conveyance of stormwater or surface or subsurface drainage water.

56. "Storm sewer" means those pipelines operated primarily for the collection of stormwaters.

57. "Suspended solids" or "SS" or "TSS" means that portion of residue present in sewage, industrial waste or waters introduced into the storm drains that is retained on a filter (nonfilterable) as determined by approved methods.

58. "Treatment plant" means the White Slough Water Pollution Control Facility of the city, and includes but is not limited to the domestic sewage treatment facilities, industrial waste treatment facilities, sludge disposal facilities and irrigatable lands.

59. "Unpolluted water" means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction, thereof, for disposal to the storm drain system or natural drainages or directly to surface waters.

60. "User" means any person that discharges, causes or permits the discharge of wastewater or stormwater into a sewerage system.

61. "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, washing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

62. "Wastewater" means waste and water, whether treated or untreated, discharged into or permitted to enter a sewer.

63. "Wastewater constituents and characteristics" means the individual chemical, physical, bacteriological and radiological parameters and such other parameters that serve to define, classify or measure the contents, quality and strength of wastewater as determined by a state certified laboratory, and the volume, rate of flow or other parameters that serve to define quantity.

64. "Wastewater discharge permit" means a permit issued by the city for a user to discharge into a sewerage system.

Article II Discharge Restrictions

13.12.030 Prohibited discharges.

No person shall discharge into the sewerage system, natural outlet, street or earth surface, wastes which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances, any of the following:

A. Fire or explosion or injury in any way to the sewerage system or the operation of the treatment plant. Prohibited materials include, but are not limited to, gasoline, kerosene, alcohols, solvents, sulfides or any other substance with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit or (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21 or which causes two consecutive readings on an explosion hazard meter at any point in the sewerage system to be more than five percent, or any single reading more than ten percent of the lower explosive limit (LEL);

B. Obstruction of flow in a sewerage system or injury of the system or damage to the sewerage collection, or treatment facilities by ashes, cinders, sand, mud, grit, straw, offal, shavings, metal, glass, rags, feathers, tar, plastics, wood, sawdust, manure or other solid or viscous substances capable of causing obstruction of the flow or other interference with the proper operation of the sewerage system as determined by the public works director;

C. Acute worker health and safety problems resulting from the presence of toxic gases, vapors or fumes within the POTW per 40 CFR 403.5(b)(7);

D. A nuisance or prevention of the effective maintenance or operation of the sewerage system, through having or creating a strong, unpleasant odor;

E. Air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances:

F. Interference or pass through at the treatment plant affecting wastewater treatment, land disposal or sludge or scum processing and disposal;

G. A detrimental environmental impact or a nuisance in the waters or wastewaters of the state or a condition unacceptable to any public agency having regulatory jurisdiction over the city;

H. Discoloration, or any other condition, in the quality of the city's treatment plant effluent and/or storm system discharge in such a manner that receiving water quality requirements established by law or other contracts cannot be met by the city:

I. Conditions at or near the city's treatment facilities which violate any statute or rule, regulation or ordinance of any public agency of state or federal regulatory body:

J. Quantities or rates of flow or pollutants which cause interference or overload the city's sewerage system or treatment facilities or cause excessive city collection or treatment costs or hamper treatment facility operation;

K. Pollutants which can cause corrosive structural damage to the sewerage system or treatment facilities;

L. Influent to the treatment plant to be over one hundred four degrees Fahrenheit (forty degrees Celsius):

M. Waters or waste with a pH factor lower than 6 or higher than 11;

N. Any discharge which has an average daily concentration exceeding the following technically based local limits:

Toxicant	Maximum Allowable Concentration (mg/L)
Arsenic	2.5
Cadmium	0.5
Chromium, total	29
Copper	3.0
Cyanide, total	1.4
Lead	4.0
Mercury	0.8
Nickel	13
Silver	2.9
Zinc	3.5

O. Discharges of new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit per 40 CFR 403.8(f)(1)(i);

P. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origins in amounts that will cause interference or pass through;

Q. Discharges which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261;

R. Discharges containing concentrations of tetrachloroethylene (PCE) or trichloroethylene (TCE) exceeding five micrograms per liter for any grab sample.

13.12.040 Storm drainage and groundwater.

Rainwater, groundwater, street drainage, subsurface drainage, roof downspouts, exterior foundation drains, groundwater from cleanup operations, or other sources of drainage water shall not be discharged through direct or indirect connections into a domestic system.

13.12.060 Septic tanks.

No person shall use a septic tank for disposal of wastewater if the property to be served is within one hundred feet of the domestic system unless permitted by the public works director. Where such domestic sewer exists and buildings are inhabited or used by human beings, the property owner(s) shall install lateral service connection(s) in accordance with this chapter.

13.12.065 Trucked/hailed wastes.

No person shall discharge trucked or hauled pollutants except at discharge points designated by the City of Lodi.

13.12.070 Radioactive Wastes.

No person shall discharge or cause to be discharged any radioactive waste into a sewerage system except:

A. When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and

B. When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Nuclear Regulatory Commission regulations and recommendations for safe disposal; and

C. When the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

13.12.080 Garbage Grinders.

A. Wastes from garbage grinders shall not be discharged into a domestic sewer system except:

1. Wastes generated in normal preparation of food by residential users; or
2. Where the user has obtained a permit for that specific use from the city, and agrees to undertake whatever self-monitoring is required to enable the public works director to equitably determine the user charges based on the waste constituents and characteristics.

B. Garbage grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the domestic sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse.

13.12.090 Direct discharge-Use of service sewer.

No person shall discharge any substances directly into a manhole or other opening in a sewerage system except through an approved private sewer or house sewer lateral.

13.12.100 Holding tank waste.

A user proposing to discharge holding tank domestic waste into a domestic sewer must secure a permit for each separate discharge. This permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, the wastewater constituents and characteristics and origin of such wastes. Holding tank wastes discharged at the treatment plant facilities may be given a discharge permit which would apply to more than one separate discharge at the discretion of the public works director. If a permit is granted for discharge of such waste into the domestic sewer, the user shall pay the applicable user charges and fees and shall meet such other conditions as required by the public works director.

13.12.110 Restricted discharges.

No person shall discharge or cause to be discharged to a sewerage system any of the following without first obtaining a wastewater discharge permit that specifically permits such waste discharge characteristics:

A. Discharges containing metal pickling or etching wastes or plating solutions, whether neutralized or not;

B. Discharges containing phenols or other taste-producing and odor-producing substances in concentrations exceeding limits which may be established by the public works director as necessary to meet water quality requirements;

C. Slug discharges into the collection system at temperatures exceeding one hundred forty degrees Fahrenheit (sixty degrees Celsius) or exceeding one hundred ten degrees Fahrenheit (forty-three degrees Celsius) for any eight-hour period;

D. Materials which exert or cause in the sewerage system or receiving waters unusual concentrations either of inert suspended solids (such as but not limited to, soil solids, fuller's earth, lime slurries, lime residues, plastics or ash);

E. Discharges containing fixed total dissolved solids (such as, but not limited to, sodium chloride, sodium sulphate or other inorganic salts) in such quantities to cause the effluent TDS of the treatment plant to exceed five hundred milligrams per liter.

13.12.115 Grease, oil, and sand interceptors.

Grease, oil and sand interceptors shall be provided by the discharger when they are necessary for the proper handling of wastes containing grease in excess of one hundred fifty milligrams per liter of animal and vegetable origin and fifty milligrams per liter of mineral origin, or any flammable wastes, sand, grit and other harmful ingredients. All interceptors shall be of a type

and capacity approved in writing, prior to installation, by the public works director, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, usually a minimum of one thousand gallons and equipped with easily removable covers which, when bolted in place, are gastight and watertight. Grease and/or oil/sand interceptors shall be constructed in any place or building having a capacity to serve group meals or commercial and industrial cleaning facilities. Where installed, all grease, oil, sand and grit interceptors shall be maintained by the owners at owner's expense in continuous efficient operation at all times. Materials collected shall not be reintroduced into the sewerage system. Records of all maintenance, cleaning and hauling of materials shall be maintained by the owner and such records shall be available at all times for inspection by city personnel. (Ord. 1613 (part), 1995)

13.12.120 Federal pretreatment requirements.

Users in industrial categories subject to the categorical pretreatment standards development by the EPA under the Clean Water Act of 1977 (PL 95 217) 33 U.S.C. 1251 et seq. are required to achieve limitations based on best practical control technology (BPT) immediately and best available technology economically achievable (BAT) by July 1, 1983, in accordance with Sections 301 and 304. New sources are required to comply with new source performance standards (NSPS) based on best available demonstrated control technology (BDT) for industrial users in terms of concentration and equivalent mass values. Users must comply with pretreatment standards promulgated pursuant to Section 307 and the Federal Register 40 CFR Subchapter IV. Dilution of any discharge may not be used to comply with any pretreatment standards. Categorical industrial users must submit baseline monitoring reports, compliance schedule reports, ninety-day compliance reports, and periodic reports on continued compliance as required including all information required by 40 CFR 403.12(l) and such reports must be signed by an Authorized Representative of the industrial user and meet certification requirements of 40 CFR 403.6(a)(2)(ii) and 403.12(b)(6) and be retained for a minimum of three years (or period of litigation, whichever is longer). The city may issue standards more stringent than the federal standards if the public works director determines that the limitations in the federal standards are not sufficient to:

- A. Protect the operation of the city's treatment facilities; **or**
- B. Comply with water quality standards, sludge disposal or effluent limitations specified in the city's National Pollutant Discharge Elimination System (NPDES) permit;
- C. Meet technically based local limits, which must be calculated per federal pretreatment program guidelines. The city must annually provide public notification of industrial users which during the previous twelve months significantly violated applicable pretreatment standards.

13.12.125 Required reports.

The reports required by Section 13.12.120 shall comply with the following regulations:

- A. Baseline Report:
 - 1) Reporting requirements for industrial users upon effective date of categorical pretreatment standard-baseline report. Within 180 days after the

effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under §403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)-(7) of 40CFR 403.12(b)(1)-(7). At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)-(5) of 40CFR 403.12. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (b)(4) and (5) of 40 CFR 403.12.

- (a) Identifying information. The User shall submit the name and address of the facility including the name of the operator and owners;
- (b) Permits. The User shall submit a list of any environmental control permits held by or for the facility;
- (c) Description of operations. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.
- (d) Flow measurement. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (i) Regulated process streams: and
 - (ii) Other streams as necessary to allow use of the combined wastestream formula of §403.6(e). (See paragraph (b)(5)(iv) of 40 CFR 403.12.

The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurement of pollutants.

- (i) The user shall identify the Pretreatment Standards applicable to each regulated process;
- (ii) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each

regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard;

- (iii) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;
- (iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of **Sec. 403.6(e)** in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with **Sec. 403.6(e)** this adjusted limit along with supporting data shall be submitted to the Control Authority;
- (v) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;
- (vi) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- (vii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW;

- (f) Certification. A statement, reviewed by an authorized representative of the Industrial User (as defined in paragraph (l) of this section) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (**O** and **M**) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and
 - (g) Compliance schedule. If additional pretreatment and/or **O** and **M** will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or **O** and **M**. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
 - (i) Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (Sec. 403.7), the combined wastestream formula (Sec. 403.6(e)), and/or a Fundamentally Different Factors variance (Sec. 403.13) at the time the User submits the report required by paragraph (b) of this section, the information required by paragraphs (b)(6) and (7) of 40 CFR 403.12 shall pertain to the modified limits.
 - (ii) If the categorical Pretreatment Standard is modified by a removal allowance (Sec. 403.7), the combined wastestream formula (Sec. 403.6(e)), and/or a Fundamentally Different Factors variance (Sec. 403.13) after the User submits the report required by paragraph (b) of this section, any necessary amendments to the information requested by paragraphs (b)(6) and (7) of 40 CFR 403.12 shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.
- 2) Compliance schedule for meeting categorical pretreatment Standards. The following conditions shall apply to the schedule required by paragraph (b)(7) of 40 CFR 403.12:
- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc).
 - (b) No increment referred to in paragraph (2)(a) of this section shall exceed 9 months.

- (c) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the **schedule** established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

B. Compliance Report:

Report on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in paragraphs (b) (4)-(6) of 40 CFR 403.12. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in Sec. 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

C. Periodic Reports on Continued Compliance:

- (1) Any Industrial User subject to a categorical Pretreatment Standard (except a Non-Significant Categorical User as defined in Sec. 403.3(v)(2)), after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of 40 CFR 403.12 except that the Control Authority may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a **Best** Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may modify the months during which the above reports are to be submitted.

- (2) The Control Authority may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

- (i) The Control Authority may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
- (ii) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.
- (iii) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

The request for a monitoring waiver must be signed in accordance with paragraph (I) of this section and include the certification statement in Sec. 403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

- (iv) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after expiration of the waiver.
- (v) Upon approval of the monitoring waiver and revision of the User's control mechanism by the Control Authority, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR ----- specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of ----- [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

- (vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of paragraph (e)(1) of 40 CFR 403.12 or other more frequent monitoring requirements imposed by the Control Authority; and notify the Control Authority.
 - (vii) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- (3) The Control Authority may reduce the requirement in paragraph (e)(1) of 40 CFR 403.12 to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User meets all of the following conditions:
- (i) The Industrial User's total categorical wastewater flow does not
 - (A) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial User discharges in batches;
 - (B) 0.01 percent of the design dry weather organic treatment
 - (C) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed by a POTW in accordance with Sec. 403.5(c) and paragraph (d) of 40 CFR 403.12;
 - (ii) The Industrial User has not been in significant noncompliance, as defined in Sec. 403.8(f)(2)(viii), for any time in the past two years;
 - (iii) The Industrial User does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period pursuant to paragraph (g)(3) of 40 CFR 403.12;

- (iv) The Industrial User must notify the Control Authority immediately of any changes at its facility causing it to no longer meet conditions of paragraphs (e)(3)(i) or (ii) of 40 CFR 403.12. Upon notification, the Industrial User must immediately begin complying with the minimum reporting in paragraph (e)(1) of 40 CFR 403.12; and
 - (v) The Control Authority must retain documentation to support the Control Authority's determination that a specific Industrial User qualifies for reduced reporting requirements under paragraph (e)(3) of 40 CFR 403.12 for a period of 3 years after the expiration of the term of the control mechanism.
- (4) For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in Sec. 403.6(c), the report required by paragraph (e)(1) of 40 CFR 403.12 shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (e)(1) shall include the User's actual average production rate for the reporting period.

D. Categorical Pretreatment Standard Compliance Reports

Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the significant non-categorical Industrial User.

- E. The reports required by Paragraphs A, B, C and D at this Section must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period as required by 40 CFR 403.12(g)(3).
- F. If any Industrial User subject to the reporting requirement in Paragraphs C or D of this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed below, the results of this monitoring shall be included in the report.
 - (1) All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other

test procedures approved by the Administrator. (See, Sec. Sec. 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

13.12.130 Industrial waste permits.

Source control of industrial discharges shall be accomplished by use of a permit and monitoring system as described in this chapter. Discharge of industrial waste from any person within the city onto land or to any natural outlet may be permitted only if the discharge complies with all requirements of the regional water quality control board and of all other local, state and federal laws and regulations.

13.12.140 Other legal restrictions.

Nothing contained in this chapter shall be construed to limit any additional requirements that may be imposed by the county health officer, by the regional water quality control board, fish and game, or by other governmental agencies having jurisdiction.

13.12.150 Connections outside city.

A. Whereas:

1. San Joaquin County will retain its authority over land use approval for wineries located within county jurisdiction.
2. The city of Lodi's general plan contains the following land use element goals:
 - a. Policy **LU-A.1** — The city shall seek to preserve Lodi's small-town and rural qualities.
 - b. Policy **LU-A.4** — The city shall promote reinvestment in downtown Lodi and in the Eastside area that upgrades the general quality of development in these areas.
 - c. Goal **LU-B** — To preserve agricultural land surrounding Lodi and to discourage premature development of agricultural land with nonagricultural uses, while providing for urban needs.
 - d. Policy **LU-B.I** — The city shall encourage the preservation of agricultural land surrounding the city.

- e. Policy LU-B.2 — The city should designate a continuous open space greenbelt around the urbanized area of Lodi to maintain and enhance the agricultural economy.
 - f. Policy LU-B.6 — The city shall encourage San Joaquin County to retain agricultural **uses** on lands adjacent to the city.
 - g. Goal LU-D — To promote and retain development in downtown Lodi.
 - h. Policy LU-D.1 — The city shall preserve and promote downtown Lodi and the **city's** social and cultural center and an economically viable retail and professional office district.
 - i. Policy LU-D.3 — The city shall enhance pedestrian activity and pedestrian amenities in downtown Lodi.
3. The city encourages compact development and discourages leapfrog development and urban sprawl within the Highway 12/Interstate 5 corridor, all of which would be inconsistent with the above general plan goals. The city's general plan is committed to the above goals within its own boundaries as well, stating the following:
- a. **A-5** The city shall require specific development plans in areas of major new development.
 - b. **E-2** The city shall promote downtown Lodi as the primary pedestrian-oriented, commercial area of Lodi.
 - c. **E-4** The city shall ensure the new commercial development be designed to avoid the appearance of strip development.
 - d. **E-7** In approving new commercial projects, the city shall seek to ensure that such projects reflect the city's concern for achieving and maintaining high quality development.
4. Providing wastewater treatment service to Flag City on the condition that service not be afforded to developments that conflict with the goals set forth herein furthers those goals by concentrating development in an existing county service area with set boundaries.
5. County acknowledges the goals set forth in the Lodi general plan as set forth above and has similar provisions in its general plan which encourage agricultural **uses**, compact land use and development, and discourage "leap frog development" and "urban sprawl." Toward these ends, the county general plan provides:
- a. To make efficient use of land and promote a functional development pattern with varied and compatible land uses.

- b. To minimize the effect on agricultural lands and other environmental resources while providing for orderly growth.
- c. To create a visually attractive county.
- d. To avoid the problems and costs imposed on local government by development that does not have adequate services.
- e. Rural communities shall:
 - i. **Be** planned to have minimal growth, mainly infill development, with expansion discouraged:
 - ii. Be planned to serve the immediate needs of the community's residents or the surrounding agricultural community;
 - iii. Have a minimum land area of fifty acres or have been identified on the general plan 1995 map as a residential area.
- f. Development shall be orderly and compact.
- g. Development should occur on vacant lots within existing communities as "infill" before extending beyond the current developed areas of a community.
- h. Freeway Service.
 - i. Function. Provide for commercial uses oriented almost exclusively to serving the needs of the freeway traveler.
 - ii. Typical Uses. Travel-related businesses including gasoline service stations, food and beverage sales, eating and drinking establishments, and hotels and motels.
 - iii. Development and Locational Criteria. Freeway Service areas shall be:
 - (A) Designated only adjacent to full freeway interchanges where development will be easily accessible and visible to the freeway traveler.
 - (B) Limited in number to encourage clustering of uses at selected interchanges:
 - (C) Limited in area in order to reduce impacts on surrounding land uses and control the physical and visual extent of these areas:

- (D) Developed so that buildings occupy no more than sixty percent of the lot and are no more than three stories in height; and
 - (E) Designed in an attractive manner that creates a favorable impression of the county by considering the overall site design, landscaping, scale of development, **signage**, relationship to adjacent uses, circulation and parking, and architecture.
6. There is a need for upgraded sewer treatment facilities to service Flag City and the parties wish to cooperatively ensure that any development that occurs in Flag City is orderly, compact and in compliance with the goals of the city and county general plans.

B. Now therefore be it further ordained as follows:

1. Service Outside Lodi. Except as set forth below, no discharge from private facilities or properties outside the city of Lodi shall be allowed into the domestic sewerage or storm drainage systems. The city council may by contract allow connection from: (1) winery facilities outside Lodi to the industrial sewerage system on the terms set forth in this section so long as the system has adequate existing capacity to service the waste (2) publicly owned wastewater systems ("public district") to the domestic wastewater treatment system on terms set forth in this section so long as the system has adequate existing capacity to service the waste.
2. Terms of Private Industrial Connection. Any winery wastewater connection permitted pursuant to the contract called for in this section shall contain the following minimum terms:
 - a. Permit. Applicant shall comply with the terms of the industrial system discharge permit to be issued by the city, which will include but not be limited to limitations on flow, BOD, ph, TDS, and suspended solid concentrations and prohibitions on discharge of hazardous waste in conformance with the city's discharge permit.
 - b. **Rate/Surcharge.** Winery's rate for discharge shall be set at one hundred fifty percent **of** the city's standard published rate for industrial waste.
 - c. Capacity Charge. Winery shall pay a one-time capacity charge based on annual flow and BOD loading prior to connection per this chapter.
 - d. Non-Assignment. Applicant may not sell capacity or accept wastewater from other locations.
 - e. Downtown Retail Presence. Applicant shall open and operate a wine tasting room to market its products in downtown Lodi during the entire term of its connection to the city's sewer system. The establishment shall be operated within the following minimum requirements:

- I. It shall be at least five hundred square feet, have its products available for sampling and sale, and be open a minimum of forty hours per week, including Saturday and Sunday and shall be located in downtown Lodi as defined by the area bordered by Church Street, Lodi Avenue, Lockeford Street, and the Union Pacific Railroad tracks.
 - II. If this condition cannot be met within twelve months of connection, applicant shall pay an annual downtown development and promotional in-lieu fee in the amount established by the city council. The fee shall be retroactive for one year and shall be assessed annually (until such time as the requirements of subsection i of this paragraph have been satisfied) as annually adjusted according to the Bay Area-All Items Consumer Price Index. If condition i above cannot be met within six years of connection, this Agreement will terminate and applicant will be required to make alternate arrangements for its wastewater.
 - f. Annexation. Applicant, in consideration for receiving city sewer service, will consent to the annexation to the city of Lodi of its property served by the city industrial sewerage system, waives any right to protest the annexation, and assigns to the city any right to vote on the annexation. Annexation shall occur when and if the city deems the annexation of the subject property feasible and advisable. In the event the annexation is sought by applicant, applicant agrees to pay city an amount to cover the subject property's proportionate share of the costs to conduct the annexation. In the event that the applicant does ultimately connect to city service, applicant agrees to enter into a short-form memorandum of agreement expressing the obligations of this paragraph in recordable form.
3. Terms of Public District Connection. Any delivery of wastewater permitted pursuant to this section shall be subject to the following minimum terms:
- a. Permit. Public district shall comply with the terms of a discharge permit to be issued by the city which will include but not be limited to limitations on maximum flow, BOD, ph, TDS and suspended solid concentrations and prohibitions on discharge of hazardous waste in conformance with the city's NPDES permit. The terms of this discharge permit will be no more stringent than those required under the city's NPDES permit. However, city may change the terms of the discharge permit without notice if necessary to comply with state or federal requirements.
 - b. Volume. Limits will be set by contract that cannot exceed the White Slough Wastewater Treatment Plant's capacity.

- c. **Rate/Surcharge.** Public district's charges will be as established by the city for its high strength customer users plus a surcharge in an amount to be set by contract.
- d. **Capacity Charge.** Public district shall pay a one-time capacity charge based on the then-current rates for new city development at the time of connection. (These charges are adjusted annually). Additional capacity charges at the current city rates will apply for each increment of effluent over the amount initially paid. Capacity charge reductions or credits may be granted for steps taken by public district to minimize impacts to city's overall treatment plant capacity through pre-treatment, off-peak delivery, or other mutually agreed strategies.
- e. **Administrative Charge.** Public district shall pay city a fee to be set by contract as a one time administrative charge upon the execution of such contract.
- f. Public district will be solely responsible for all costs associated with installing a pipeline ("collection facilities") to connect to Lodi's system.
- g. City will bill for its services directly to public district and not to individual customers. Annual billing will begin with commencement of flow to the city's facility and will be billed in advance for a twelve month period, based on estimated flow and strength. Subsequent annual billings will be based on actuals for the prior twelve months. Public district will pay all invoices within thirty days of the date of the invoice.
- h. Neither public district will knowingly allow any person or entity to discharge to its collection facilities whose property is outside the public district service area, without prior city approval, which city may withhold in its absolute discretion.
- i. **Reimbursement.** Public district shall reimburse the city for all costs incurred by the city in connection with the project.

13.12.1 60 Screening of industrial waste

No person shall discharge or cause to be discharged to the industrial system an industrial waste that is too large to pass through or, has not been pretreated by being passed through, a screening device with a maximum screen opening of 1.5 millimeters.

Article III Service Charges and Capacity Fees

13.12.1 70 Classification.

All users shall be classified for wastewater collection, treatment and disposal purposes in accordance with the principal activity conducted by the person, or the quantity and quality of

discharge, as determined by the public works director. The purpose of classification is to facilitate the regulation of wastewater discharge based on quantity and quality of flow, to provide an effective means of industrial waste source control, and to establish a system of sewage service charges and capacity fees which will ensure, but not be limited to, the recovery of city capital, operating and maintenance costs in an equitable manner. It is the responsibility of the user to provide the city a reasonable estimation of wastewater quantity and quality, or other applicable units of measure, and any increases thereof, for the purpose of classification and assessment of service charges and capacity fees.

13.12.180 Domestic system service charges.

A. Basis. Charges for use of the domestic system shall be determined by the volume, BOD, and SS of wastes discharged. In addition, charges for preparation and maintaining the sewer master plan, expansion of the Public Works Administration Building, and expansion of the Public Works Storage Facilities are allocated based upon volume, BOD, and SS.

B. Applicability. Those residential, commercial and industrial users whose discharge of wastes classify them as a moderate-strength user and those dischargers of industrial and commercial wastes that classify as high-strength users shall pay charges as determined in this section. Determination of the category for each specific user shall be made by the public works director.

C. Moderate-Strength Users. All moderate-strength users shall be assigned sewage service units. The minimum sewage service units assigned to any commercial and industrial user shall be 1.0 unit. Service charges for moderate-strength users shall be determined by multiplying the cost of one sewage service unit by the number of sewage service units assigned to each user.

1. Residential user sewage service units shall be based upon the number of bedrooms per dwelling units as follows:

Number of Bedrooms	Sewage Service Units
1	0.75
2	1.00
3	1.25
4	1.50
5	1.75
6	2.00
7	2.25

2. Commercial and industrial user sewage service charges shall be based on the number of sewage service units assigned to each user. The unit of measure for determining the number of sewage service units assigned to each user are as follows:

User Descriptions	Unit of Measure
1. Meeting place, religious	Each 200 seats
2. Meeting place, public	Each 100 seats
3. Hotel, motel without kitchenettes	Each 3 beds
4. Hotel, motel with kitchenettes	Each unit
5. Veterinary clinic	Each 4 employees
6. Post office	Each 15 employees
7. Funeral parlor	Each 3 employees
8. Service station with service garages	Each 2.5 pumps
9. Service station without service garages	Each 7 pumps
10. Car wash, automatic bay	20 SSU's per bay
11. Car wash, self serve bays	2 SSU's per bay
12. School, 8th grade and below	Each 20 students
13. High school	Each 15 students
14. Eating place, seating only	Each 10 seats
15. Eating place, seating and take-out	Each 7 seats
16. Eating place, "pizza parlor"	Each 35 seats
17. Eating place, take-out only	Each 5 employees
18. Lunch truck business	Each 5 employees
19. Laundry, coin-op., reg. mach.	Each 1.5 machines
20. Laundry, coin-op., big mach.	Each machine
21. Comm. laundry and dry cleaning	Each 3 employees
22. Dentist's office	Each 5 employees
23. Office, store, warehouse manufacturer, doctor's chiropractor's and X-ray offices	Each 8 employees
24. Grocery store, supermarket (having veg/fruit or butcher/meat sections)	Each 4 employees
25. Bar	Each 20 seats
26. Barber, beauty shop	Each 3 workstations
27. Hospital, convalescent home	Each 3 beds
28. Rest and retirement home	Each 3 beds
29. Mobile home park	Each 1.33 pads
30. RV dump station	Each station

One sewage service unit shall be assigned to each unit of measure. Fees shall be based on a minimum of one sewage service unit and fractions of sewage service units thereafter. At the discretion of the public works director, a commercial user's service charges and/or capacity fees may be based on actual wastewater discharge flows estimated by use of an influent water meter or other appropriate means.

D. High-Strength Users.

1. All high-strength user sewage service charges shall be determined based upon the actual quantity of flow, BOD, and SS discharged annually.

2. The sewage service charge shall be determined by multiplying the quantity of discharged flow, BOD, and SS by the cost for each characteristic.

E. Significant Users. All significant users shall be assessed two additional sewage service units in service charges to cover the city's costs of meeting Federal Pretreatment Program requirements.

13.12.190 Domestic system capacity or impact fees.

The capacity fee shall cover the capital cost associated with the POTW capacity and the planning, financing, acquisition, and development of other services and facilities directly related to the utilization of capacity by the discharger. Any actual costs incurred by the city in making the physical connection (tap) shall be separate and in addition to the capacity fee described in this section.

A. Moderate-strength user capacity fees shall be based on a rate per sewage service unit as assigned under Section 13.12.180. The capacity fee for a new commercial or industrial user shall be a minimum of one sewage service unit, and additions or modifications shall be prorated to fractions of sewage service units.

B. High-strength user capacity fees shall be based on a unit rate for flow, BOD, and SS. The estimated annual quantities of each characteristic shall be justified to, and approved by, the public works director for the purpose of determining the capacity fee.

C. City projects and projects funded by the city are exempt from capacity fees as described in this section.

13.12.195 Downtown business district capacity fees.

A. The city council finds and declares that the central area of Lodi as defined in this chapter, which is the traditional center of the city's business community, is presently in danger of losing economic viability. The purpose of this section is to protect a crucial part of Lodi's economy and preserve a portion of the city's heritage by offering incentives for businesses to locate, relocate or expand within this area.

B. For purposes of this section, the "central business district" shall mean an area whose boundaries are the same as those for the area subject to the city of Lodi bond issue, Series 1995-1, dated July 22, 1996, more particularly described in the bond documents and map on file with the city clerk's office.

C. Wastewater capacity fees for any permitted use which locates, relocates or expands within the central business district as defined shall be discounted as determined by the city council by resolution.

D. Notwithstanding any discount granted under this section, the monthly or annual sewage fees set by city council from time to time for any use locating, relocating or expanding within the central business district, shall be calculated on the full number of sewage service units which the use would have otherwise been responsible for under Section 13.12.180 of this code if such use was located outside the central business district.

13.12.200 Industrial system service charges.

A. Industrial system sewage service charges shall be determined based upon the actual quantity of flow and BOD discharged annually. The unit cost for each characteristic will be determined annually and multiplied by each user's measured **effluent** characteristics. The total of the two characteristic fees shall be the annual sewage service charge.

B. The unit cost for each characteristic shall be determined **by** distributing the total operation, maintenance and capital costs to each characteristic at a proportionate rate and dividing each proportionate cost by the total annual quantity of each characteristic discharged to the system.

13.12.210 Industrial system capacity fees.

Fees shall be determined on an individual basis by the public works director and shall be, in part, based upon the value of existing capacity to be utilized and/or the cost of providing additional new capacity. The capacity fee shall be based on a unit rate for flow and BOD.

13.12.215 Adjustments and additions.

A. Service Charge Adjustments. When it is found that a reasonable estimation of wastewater quantity or quality, or other applicable units of measure, have not been used for the assessment of sewage service charges the city has the right to make adjustments as determined by the public works director. Undercharges for the period of incorrect billing up to three years, per California Code of Civil Procedures, Section 338, are due and payable on demand and overcharges will be credited.

B. Capacity Fee Adjustments. Any user, after one full year of operating data is available, may request the public works director to make an adjustment, or the public works director may institute an adjustment, if a significant variation exists between the estimated and actual wastewater quantity or quality, or other applicable units of measure. Increases in capacity fees shall be due and payable on demand at the time the public works director makes the fee adjustment and decreases will be credited.

C. Capacity Fee Additions. When a user has in the opinion of the public works director significantly increased either wastewater quantity or quality or units of measure over what was used for all previous capacity fee calculations, additional capacity fee charges shall be assessed for the additional wastewater treatment capacity utilized. Such additional capacity fees shall be due and payable on demand at the current rate at the time the public works director makes the determination.

13.12.220 Storm drain and cooling water service charges.

A. The rate for disposal of stormwaters, cooling water discharges or construction flush waters into the city's storm drain system will be established by resolution.

B. The city shall estimate and determine the amount of storm, cooling water or construction flush waters deposited into the city's storm drains unless the user of the service elects to provide, install and maintain in good working order an integrating meter satisfactory to the city for the purposes of measuring such storm, cooling water or construction flush waters.

C. In determining the amount of storm, cooling water or construction flush waters deposited into the city's storm drain system, no charge shall be made for the storm waters or minor irrigation waters or drainage from roofs, pavements or hard-surfaced areas within the city limits. Where such drainage is metered along with construction flush water, a credit of one thousand two hundred fifty gallons per year for each one hundred square feet, as projected and measured upon a horizontal plane, of such drainage area tributary to the meter shall be allowed. Where roofs or other areas are sprinkled or flushed, such flushing or sprinkling waters shall be included in the quantities for billing purposes.

13.12.230 Holding tank waste charges.

The charge for a discharge of holding tank wastes shall be based on the method for determining charges for the high strength user in the domestic system as outlined in Section 13.12.180(D). Characteristics of BOD and SS shall be determined by random sampling of holding tank waste discharges.

13.12.240 Charges and fees.

The schedule of charges and fees for domestic system service charges and capacity fees, industrial system service charges and capacity fees, storm drain service charges, inspection sampling and analysis charges, and holding tank waste charges will be those established and adopted by the city council from time to time by resolution.

13.12.250 Billing and collections.

All billing and collections for service charges shall be per Section 13.04.030 of this code.

13.12.260 Appeals.

The owner or occupants of any premises who finds that the charges and/or fees provided for in this article are unjust or inequitable may make application to the public works director to have the fees modified, in accordance with Section 13.12.590. A commercial or industrial discharger, after one full year of operating data is available, may request the public works director to make an adjustment, or the public works director may institute an adjustment, if a significant variation exists between the estimated and actual quantities for each characteristic. Increases in capacity fees shall be due and payable on demand at the time the public works director makes the fee adjustment and decreases will be credited. Increases or decreases in sewage service charges shall be implemented in the next billing following the determination by the public works director that adjustment is appropriate. Where water usage is metered, the estimated sewer flows may be compared to a two-bedroom residence (one SSU) to determine or adjust the capacity fee or sewage service charge.

Article IV Construction Generally

13.12.270 Permit.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any sewerage system or appurtenances, thereof without first obtaining a written permit from the public works director.

13.12.280 Design standards.

All construction of public sewerage systems or appurtenances thereof shall conform to the design criteria, the standard plans and specifications and the inspection and testing procedures in accordance with current city public improvement design standards.

13.12.290 Application for service.

Whenever a property owner is desirous of obtaining sewer service where no adequate sewer system exists, an application shall be made to the public works director for sewer service in accordance with Article V of this chapter.

Article V
Extensions

13.12.300 Purpose.

The city council is desirous of adopting a sewer service and extension policy that is fair and equitable to all developing properties and that provides that the cost of extension shall be distributed among subsequently developing properties connecting thereto. For purposes of this article, storm drains shall be considered as sewers except as specifically stated otherwise.

13.12.310 Application.

Whenever a property owner is desirous of obtaining sewer service, an application shall be made to the public works director for sewer service. The public works director shall determine the closest adequate sewer and, if an extension is necessary, indicate the size of the main to be extended and the limits of the extension.

13.12.320 Applicant's obligation.

Whenever the public works director determines that a sewer extension is necessary, the applicant will be required to install, at the applicant's own expense, the sewer extension in accordance with engineering plans furnished by applicant and approved by the public works director. The plans shall be prepared in accordance with the city design standards.

13.12.330 Extension for full frontage width.

In every case where a sewer is to be tapped to serve a parcel, the same shall be extended the full frontage of the parcel unless the public works director determines that the sewer will not need to be extended to serve any other properties.

13.12.340 Minimum diameter.

The minimum size sewer main shall have a nominal inside diameter of six inches. The minimum size storm drain shall have a nominal inside diameter of twelve inches. Larger size mains may be required as determined by the public works director in accordance with the city public improvement design standards or the city master sewer and storm drain plans.

13.12.370 Reimbursement-Oversize mains.

Wherever the city requires that a sewer main larger than ten inches in diameter or a storm drain larger than eighteen inches in diameter be installed in order to serve additional property or to conform to the applicable master plan, the applicant shall be reimbursed for the oversized pipe. The reimbursement shall be based on the difference in cost between the actual pipe to be installed and a ten-inch sewer or eighteen-inch storm drain as applicable. The difference in cost shall be determined by the public works director. The reimbursement shall be made in accordance with Chapter 16.40.

Article VI
Administration

13.12.420 Discharge reports.

In addition to the federally required reports described in Section 13.12.120, the city may require that any high-strength user discharging, or proposing to discharge, wastewater into a sewerage system, file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, temperature, pH, production quantities, hours of operation, number and classification of employees, chemicals and materials stored or used, or other information which relates to the generation of waste including characteristics in the wastewater discharge. Such reports shall also include the chemical characteristic and quantity of liquid or gaseous materials used annually as well as those stored on site, even though the latter may not normally be discharged. All reports are due fourteen days after the conclusion of monitoring or receipt of the laboratory analysis report and must be signed by an Authorized Representative of the industrial user. All such reports shall be retained for a period of three years (or period of litigation, whichever is longer), and shall be made available for inspection and copying by the city. In addition to discharge reports, the city may require information in the form of wastewater discharge permit applications and self-monitoring reports.

13.12.430 Discharge permit-Required.

All significant users proposed to connect ~~or~~ to discharge into a sewerage system after the effective date of the ordinance codified in this chapter must obtain a wastewater discharge permit before connecting to, or discharging into, a sewerage system. All existing significant users connected to, or discharging into, a sewerage system must apply for a wastewater discharge permit within one hundred eighty days after the effective date of the ordinance codified in this chapter.

13.12.440 Discharge permit-Optional.

The public works director may issue a wastewater discharge permit to any user in accordance with the terms of this article in the following categories:

A. A user who requires the user charges and fees to be based on an estimation of wastewater flow;

B. Any user whose wastewater strength is less than the normal range for the user classification because of pretreatment, process changes or other reasons;

C. Any single dwelling, office, commercial business, lodge, apartment, church or multi-use building user who discharges only domestic waste.

13.12.450 Discharge permit-Application.

A. Users seeking a wastewater discharge permit shall complete and file with the public works director an application in the form prescribed by the public works director, and accompanied by any applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and SIC number of applicant:
2. Volume of wastewater to be discharged:
3. Wastewater constituents and characteristics including, but not limited to, those mentioned in Article II of this chapter:
4. Time and duration of discharge;
5. Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
6. Any other information determined necessary by the public works director to evaluate the permit application. This may include, but is not limited to, the following:
 - a. Site plans, floor plans, mechanical, and plumbing plans, water supply and discharge information and details to show all sewers and appurtenances by size, location and elevation,
 - b. Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are, or could be, discharged,
 - c. Each product produced by type, amount and rate of production,
 - d. Number of employees and hours of work.

B. All wastewater discharge permit applications and user reports must be signed by an Authorized Representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

C. The public works director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the public works director may issue a wastewater discharge permit subject to terms and conditions provided in this article.

13.12.460 Discharge permit-Conditions.

Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city council. The conditions of wastewater discharge permits shall be uniformly enforced **by** the public works director or assigned agent in accordance with this chapter, and applicable state and federal regulations. Permits may contain the following:

- A. The unit charge or schedule or user charges and fees for the wastewater to be discharged to the sewerage system;
- B. The collection of capacity fee, inspection fee and prepayment for the prorated portion of annual user charges, if collected annually;
- C. The average and maximum wastewater characteristics;
- D. Limits on rate and time of discharge or requirements for flow regulations and equalization;
- E. Requirements for installation **of** inspection, monitoring and sampling facilities;
- F. Pretreatment requirements;
- G. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types as specified in 40 CFR 403.12(g)(3) and (g)(4) and standards for tests as specified in 40 CFR 136 and reporting schedule;
- H. Requirements for submission of technical reports or discharge reports;
- I. Requirements for maintaining plant records relating to wastewater discharge as specified by the city, and affording the city access thereto;
- J. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined in Article I of this chapter) are proposed or present in the user's wastewater discharge;
- K. Other conditions as deemed appropriate by the public works director to ensure compliance with this chapter and federal and state regulations.
- L. Requirements for "slug discharge" plans as required by **40 CFR 403.8(f)(2)(v)**.

13.12.470 Discharge permit-Term-Changes-Renewal.

Permits shall be issued for a specified time period, not to exceed five years. **A** permit may be issued for a period less than a year or may be stated to expire on a specific date. **A** user discharging after the expiration date of the permit shall be considered in violation of this chapter. It is the responsibility of the user to apply for a new discharge permit sixty days before the expiration date of their existing permit. The terms and conditions of the permit may be subject to modification and change by the city during the life of the permit, as limitations or requirements stipulated in this chapter are modified and changed. The user shall be informed of any proposed changes in user's permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

13.12.480 Discharge permit-Transfer.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned, transferred or sold to a new owner, new user, different premises or a new or changed operation without prior written approval of the public works director.

13.12.490 Discharge permit-Suspension.

A permit may be temporarily suspended at any time if it is the public works director's opinion that the continued discharge of the waste or water into the sewerage system would substantially jeopardize the ability of the treatment facilities or sewerage system to meet water quality requirements or would cause an unsafe condition to occur. In lieu of temporary suspension of permits, the public works director may impose such temporary restrictions, conditions or limitations upon the quantities, qualities and rates of discharge made thereunder as deemed necessary to assure that the receiving water quality requirements will not be violated or to alleviate the unsafe condition. Notice of the temporary suspension or the imposition of temporary restrictions, conditions or limitations shall be given in writing by the public works director to the permittee at least twenty-four hours prior to their effective date. Delivery of the notice to the permittee's place of business shall constitute delivery of notice to permittee.

13.12.500 Discharge permit-Revocation.

Any user who violates the following conditions of the permit or of this chapter, or applicable state and federal regulations, is subject to having this permit revoked:

A. Failure of a user to factually report the wastewater constituents and characteristics of their discharge;

B. Failure of the user to report in advance significant changes in operations or wastewater constituents and characteristics:

C. Refusal of reasonable access to the user's premises and/or records for the purpose of inspection or monitoring of all possible sources of pollution;

D. Failure to pay city utility bills;

E. Violation of conditions of the permit.

13.12.510 Monitoring facilities.

A. The public works director may require the user to construct and maintain, at the user's expense, monitoring facilities which meet all government safety regulations (OSHA) to allow inspection, sampling and flow measurement of the building sewer or internal storm drainage systems and may also require sampling or metering equipment to be provided, installed, operated and maintained at the user's expense. The monitoring facility should normally be situated on the user's premises, but the public works director may, when such a location would be impractical or cause undue hardship on the user or the city, require the facility to be constructed in the public right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

B. When the monitoring facility is inside the user's fence, there shall be accommodations to allow access for the public works director or designated representative, such as a gate secured with a city lock. There shall be ample room in or near such monitoring facility to allow accurate sampling and compositing of samples for analysis. The monitoring facility shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Whether constructed on public or private property, plans and specifications shall be approved by the public works director and be in accordance with all applicable city construction standards and specifications. Construction shall be completed within sixty days following written notification by the city, unless a time extension is otherwise granted by the city.

13.12.520 Inspection, sampling, monitoring and analysis.

The public works director or designated representative may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the public works director or designated representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The public works director or designated representative shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations and be allowed to copy any of the user's discharge records. All user discharge records shall be retained for a minimum of three years per **40 CFR 403.12(o)**. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, the public works director or designated representative will be permitted to enter without delay for the purposes of performing their specific responsibilities. The user will be charged a fee to recover the costs for inspections (investigations), sampling, monitoring and analyses performed by the city for purposes of billing and ensuring compliance with all regulations.

13.12.530 Accidental discharge prevention.

A. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Such facilities shall be provided and maintained at a level of operation comparable to that of the original construction at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the public works director before construction of the facility.

B. The review of such plans and operating procedures by the public works director will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

C. If any wastewater is spilled onto any surface or area in such a manner where there is the possibility of contact with any person, that wastewater shall be cleaned up at the expense of the property owner or a designate within a reasonable time as determined by the city, or the city will clean up the spilled wastewater and bill the property owner or designate for the cleanup. If warranted, or as directed by the city, property management must adequately notify tenants and post area of spill with warning signs.

13.12.540 Confidential information.

A. All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the

public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the public works director that the release of such information would divulge information, processes or methods that would be detrimental to the user's competitive position.

B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use in making studies per 40 CFR 403.14; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

13.12.550 Special agreements.

Special agreements and arrangements between the city and any persons or agencies may be established when, in the opinion of the city council, unusual or extraordinary circumstances compel special terms and conditions. However, in no case may federal pretreatment standards be waived or modified.

Article VII Enforcement

13.12.560 Accidental discharge notice.

A. Notice to Authorities.

1. Upon accidentally discharging wastes in violation of this chapter, or in violation of a city-issued discharge permit, users shall notify the Water Services Manager or the White Slough Water Pollution Control Facilities (WSWPCF) personnel immediately by telephone or in person, or by calling the public works department twenty-four-hour emergency number to enable countermeasures to be taken by the city to minimize damage to the sewerage system, treatment facility, treatment processes and/or the receiving water.
2. This notification shall be followed, within ten calendar days of the date of occurrence, by a detailed written statement to the public works director describing the cause, location, type, volume, concentration, date, time and duration of the accidental discharge, measures taken to correct the problem, and steps taken to prevent future occurrence.
3. Such notification will not relieve users of liability for any expense, loss or damage to the sewerage system, treatment plant or treatment process, or for any fines imposed on the city on account thereof under Section 13350 of the California Water Code or for violations of Section 5650 of the California Fish and Game Code.

B. If sampling performed by a user indicates a violation, the user must notify the water/wastewater superintendent or the WSWPCF personnel within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the public works director within thirty days after becoming aware of the violation per 40 CFR 403.12(g)(2).

C. Employee Training. In order that employees of users be informed of the city's requirements, users shall make available to their employees copies of this chapter, together with such other wastewater information and notices which may be furnished by the city from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this chapter.

13.12.565 Notice of Potential Problems, Including Slug Loading, Regardless of Whether or Not a Discharge Violates the Terms of this Chapter.

All Industrial users shall notify the Water Services Manager or White Slough Water Pollution Control Facility personnel immediately of all discharges that could cause problems to the WSWPCF including slug discharge as defined by Lodi Municipal Code §13.12.020 (50).

13.12.566 Notice of facility changes affecting potential for slug discharges.

All significant Industrial Users are required to notify the Water Services Manager or White Slough Water Pollution Control Facilities personnel of all changes at their facility that affect the potential for a Slug Discharge.

13.12.567 Notice of changed discharge.

Users must notify the public works director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty days before the change.

13.12.570 Cease and desist order.

When the city finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the public works director may issue an order to cease and desist, and direct those persons not complying with such prohibitions, limits, requirements or provisions, to:

- A. Comply forthwith;
- B. Comply in accordance with a time schedule set forth by the city; or
- C. Take appropriate remedial or preventive action in the event of a threatened violation.

13.12.580 Compliance timetable.

When the city finds that a discharge of wastewater has been taking place, or is threatening to take place, in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a wastewater discharge permit, the city may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions, which the user shall take in order to prevent or correct a violation of requirements.

13.12.590 Appeals.

A. Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the public works director, interpreting or implementing the provisions of this chapter or in any permit issued in this chapter, may file with the public works director a written request for reconsideration within twenty days of such

decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The public works director may accept the application, reject the application for sound reasons or direct the applicant, at applicant's sole expense, to maintain and operate in a manner satisfactory to the public works director such indicating or integrating meters as may be required to properly measure the flow, establish sampling equipment, tests and procedures satisfactory to the public works director to determine the characteristics of the wastes.

B. If the ruling made by the public works director is unsatisfactory to the person requesting reconsideration, the person may, within twenty days after notification of the city's action, file a written appeal to the city council. The written appeal shall be heard by the council within twenty days from the date of filing. The city council shall make a final ruling on the appeal within twenty days of the hearing. The public works director's decision, action or determination shall remain in effect during such period of reconsideration.

13.12.600 Liability,

Any person, firm or corporation, or any partner, officer, agent or employee thereof, who deposits or permits to be deposited into the city's sewerage system any wastes other than those permissible under the terms of this chapter and the terms of a valid permit granted under this chapter is liable for any and all damage caused to the city by virtue of such act, including compensation for damage to the city's facilities, and all costs of any legal fees, suits or judgments against the city which may be attributable to such wastes so discharged.

13.12.610 Injunction

Whenever a discharge of wastewater is in violation of the provisions of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the city may petition the superior court for the issuance of a preliminary **or** permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

13.12.620 Damage to sewerage system-Charge.

When a discharge of wastewaters or any other substance causes an obstruction, damage or any other impairment to the city's sewerage system, the city shall assess a charge against the user for the work, materials and services required to clean or repair the affected portions of the sewerage system.

13.12.630 Civil penalties.

Any person who violates any provision of this chapter or permit condition or who discharges wastewater which causes pollution, or who violates a cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be liable civilly to a penalty not to exceed six thousand dollars for each day in which such violation occurs. The city attorney, upon order of the city council, shall petition the superior court to impose, assess and recover such sums.

13.12.640 Termination **of** service.

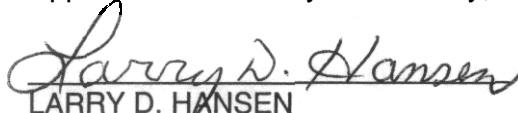
The city may revoke any wastewater discharge permit, or terminate or restrict or cause to be terminated or restricted wastewater service to any premises, which may include termination or restriction of the water service if warranted, if a violation of any provisions of this chapter is found to exist or if a discharge **of** wastewater causes or threatens to cause a condition of contamination, pollution or nuisance as defined in this chapter. The city also reserves the right to immediately disconnect any user, upon informal notice only, in the event of an unlawful

discharge which may cause imminent danger to human health, the environment, or which threatens to interfere with the treatment plants operation. This provision is in addition to other statutes, rules or regulations, authorizing termination of service for delinquency in payment.


13.12.650 Public notice of violation.

A. In accordance with Federal Pretreatment Regulations 40 CFR 403, the city shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in Significant Noncompliance with any provisions of this chapter or in significant violation of any permit or order issued hereunder during the period since the previous publication.

Approved this 18th day of February, 2009


LARRY D. HANSEN
Mayor

ATTEST:



RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. **1819** was introduced at a regular meeting of the City Council of the City of Lodi held February **4, 2009**, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held February **18, 2009**, by the following vote:


AYES: COUNCIL MEMBERS –Johnson, Katzakian, Mounce, and
Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

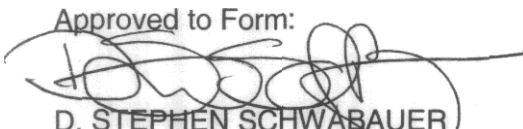
ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. **1819** was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL
City Clerk

Approved to Form:


D. STEPHEN SCHWABAUER
City Attorney